

REMARKS

Claims 1-20 are pending in the present application. In the above amendments, claims 1-2 have been amended, claims 9-20 are canceled, and new claims 21-24 are added. Therefore, after entry of the above amendments, claims 1-8 and 21-24 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 22, and 24, Applicants respectfully submit that Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated; updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully

traverse this rejection.

Per claims 1, 21, and 23, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if said resident software and said available software are not authenticated; setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and updating said resident software if said resident software is not authenticated but said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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